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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 03 2006

at 3 o'clock and 30 min. M
SUE BEITIA, CLERK

Attorneys for Plaintiffs/Limitation Defendants
SHIROH FUKUOKA, Individually and
as Personal Representative of
THE ESTATE OF MITSUKO FUKUOKA, and
as Next Friend Of MIHO FUKUOKA, a Minor

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

In the Matter) Civil No. CV03-00672SOM
Of) (Non-Vehicle Tort)
)
The Complaint of MORNING STAR)
CRUISES, INC., a Hawaii)
corporation.)
)
SHIROH FUKUOKA,) Civil No. 04-00588 SOM-BMK
) (Consolidated)
Plaintiff,)
)
vs.) LIMITATION DEFENDANTS'
) MEMORANDUM IN OPPOSITION TO
MORNING STAR CRUISES, INC.,) MOTION TO DISMISS
) PLAINTIFF'S CLAIMS AND FOR
Defendant.) ATTORNEY'S FEES AND COSTS
) FILED JULY 12, 2006;
) DECLARATION OF ROBERT D.
) KAWAMURA; CERTIFICATE OF
) SERVICE
)
)
) Date: August 22, 2006
) Time: 9:00 a.m.
) Judge: Susan Oki Mollway
)

**LIMITATION DEFENDANTS' MEMORANDUM IN OPPOSITION TO
MOTION TO DISMISS PLAINTIFF'S CLAIMS AND FOR
ATTORNEY'S FEES AND COSTS FILED JULY 12, 2006**

I. Introduction

Limitation Plaintiff filed this motion on July 12, 2006, the same day in which Limitation Defendants provided their discovery responses and responsive documents to Limitation Plaintiff. See Court Docket. Moreover, it is Limitation Plaintiff that has failed to answer the discovery requests of Limitation Defendants.

Since receiving the responses on July 12, 2006, Limitation Plaintiff has not asked for additional responses, clarifications or for other information. See Kawamura Declaration.

II. Conclusion

Based on the foregoing, Limitation Defendants respectfully request that the Honorable court deny the instant motion.

Dated: Honolulu, Hawaii, August 3, 2006.


Robert D. Kawamura

Attorney for Limitation
Defendants
SHIROH FUKUOKA, Individually
and as Personal Representative
of THE ESTATE OF MITSUKO
FUKUOKA, and as Next Friend of
MIHO FUKUOKA, a Minor